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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 629th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-42480 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cambodia (CRC/C/11/Add.16; CRC/C/Q/CAM/1; written replies by the Cambodian Government (unofficial document, distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Im Sethy, Mr. Nouv Phearith and Ms. Chan Haranvaddey took places at the Committee table.

2. Mr. IM SETHY (Cambodia) said that his country had ratified the Convention on the Rights of the Child without reservation in 1992, and was also a party to the other major international human rights treaties. The initial report under consideration had been drafted by a ministerial committee working in collaboration with non-governmental organizations and the United Nations.

3. Cambodia had been devastated by three decades of war, killing and crisis. Its infrastructure was inadequate and outmoded. Mines still affected certain parts of the country. Many intellectuals had died while the Khmers Rouges were in power, and the country was cruelly short of skilled human resources.

4. In spite of those obstacles, a great deal of effort had been made to apply the Convention. In legislation, for example, the Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons passed in 1996 had already led to the arrests and trials of numerous traffickers. The Ministry of Justice had drafted a code of criminal procedure and penal code incorporating provisions dealing with juvenile justice, and setting the threshold for criminal responsibility at 18 years. A new civil code and a new code of civil procedure were also planned to cover the many areas where legislation was still lacking, such as registrations of births and the placement of children in foster families or institutions. The Ministry of Social Affairs had drafted a bill on international adoption which was consistent both with the Convention on the Rights of the Child and with the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption, the ratification of which was under consideration. Cambodia had also ratified ILO Convention 138.

5. The Cambodian National Council for Children (CNCC) had been set up in 1995 to coordinate Government activities and oversee implementation of the Convention. Although short on staff and resources, CNCC had produced a number of reports on the situation of children. It had also drafted a five-year plan to combat the sexual exploitation of children, which was to be put into effect by all ministries; CNCC would be responsible for coordination and follow-up.

6. Cambodia had set up data-collection systems, chiefly in the areas of health and education where budgets, although still low, had nevertheless been rising steadily. The country was still

experiencing survey health problems. Mortality among infants, mothers and the under-fives remained very high, and AIDS was spreading rapidly. In education, the shortage of schools was making it hard to introduce mandatory schooling, and the truancy rate and the numbers of children repeating years were high. Child labour, sexual exploitation, trafficking in children and juvenile justice were all matters of concern to the Government.

7. Cambodia was cruelly short of human and financial resources and needed technical assistance from United Nations bodies and specialized agencies. The Government intended to do all it could to apply the Convention, and assured the Committee that its advice and recommendations would be taken into account.

8. Ms. TIGERSTEDT-TÄHTELÄ observed that Cambodia had followed the Committee's guidelines in producing its report and written replies; the report was somewhat too formal but the written replies, citing numerous laws and policies, gave a clearer idea of how the Convention was being applied in Cambodia. It did not appear, however, as though children had been involved in the preparation of the initial report.

9. Coordination and follow-up to the Convention were first and foremost the responsibility of the Government, but civil society should be involved as well because it could be both more objective and more critical. How was the application of the Convention followed up in practice, and what role in the process was played by CNCC? Several ministries and international organizations were represented on CNCC, and she wondered how the various plans and projects adopted were coordinated in practice. Did Cambodia have any plans to introduce a children's ombudsman?

10. She wondered whether CNCC regularly reviewed action taken pursuant to the national three-year plan for children and the Five-Year Plan of Action against Sexual Exploitation. Did the Cambodian authorities contemplate moving in the future to a system of rolling plans so that they could begin evaluation while programmes were in progress?

11. Mr. FULCI asked whether efforts were being made to bring to justice those responsible for the genocide in which so many children had suffered.

12. The Cambodian report gave no information on the training undergone by professionals working with children. Little seemed to have been done to involve civil society, non-governmental organizations and children themselves in activities to protect children. The media did not appear to have been sufficiently closely associated with the dissemination of the Convention, and children appeared not to be very conversant with the Convention or its principles. Could the delegation provide further information on those points?

13. The Committee on the Elimination of Racial Discrimination reported serious discrimination and violations against the many Vietnamese living in Cambodia. There were, for example, said to be very few facilities available for Vietnamese children to learn Khmer. Given

the principle of non-discrimination set forth in article 2 of the Convention, what action was being taken to enable all children, irrespective of their origins, to exercise the rights they enjoyed by virtue of the Convention?

14. Ms. MOKHUANE asked for further information about the coordinating functions of CNCC. How did they operate at the provincial or local levels? Did the Parliament receive any reports about them and if so, where from: the Ministry of Social Affairs, CNCC, or provincial governors? Were there any plans to establish a children's ombudsman? Each ministry seemed to be responsible for drafting laws covering its own field of reference without there being any real coordination among ministries. A vital link - one making the legislation into a coherent whole and allowing all matters covered by the Convention to be dealt with together - was missing.

15. There appeared to be a similar want of coordination in data collection, which seemed to be done individually by the various ministries. It would be helpful to have a standard data-collection mechanism to cover all the areas dealt with by the Convention.

16. What proportion of the budget was devoted to children at risk? Who set budget priorities, the ministries or the provincial authorities? The fact that teachers' salaries had not been raised although the budget had grown was likely to be injurious to future morale: what did the State intend to do about that problem?

17. Mr. RABAH wanted to know why there seemed to be so little cooperation and coordination between the government and NGOs in Cambodia, and how exactly things stood. Had NGOs participated, directly or indirectly, in the preparation of the initial report? Was there a real policy on children's rights in Cambodia? Was there any centralization of the services available to Cambodian children outside as well as in the big cities?

18. He wondered why the marriageable age was 18 years for girls and 20 years for boys. He asked for further information on article 177 of the labour legislation, under which a child aged under 18 could work with the consent of its parents or guardians. Lastly, the Committee had not been told the minimum wage for joining the Armed Forces; it would be helpful to know it.

19. Mr. DOEK asked how the Cambodian Government intended to follow up on the findings of the study carried out by CNCC which revealed that no provision was made in legislation for any follow-up to the implementation of the Convention, and that it would therefore be appropriate to draft a general law on children and set up a national team for the purpose.

20. Half of the national budget appeared to be devoted to defence and security, to the detriment of other areas. Could the Government justify that situation? Moreover, the amounts disbursed on certain activities appeared to be lower than those originally forecast. He would like some light to be shed on that matter.

21. What were the goals of the National Plan of Action for Children, which seemed to be an assemblage of steps taken by the various ministries to make it easier to monitor and assess the situation of children? Were there any general goals, progress towards which would enable the Committee to assess the advancement of the Plan as a whole?

22. Ms. RILANTONO emphasized the need for coordination among the activities of the various ministries whose fields of competence extended to children, and the need to make the ministries as well as the general public aware of the Convention. The traditional, village-assembly-type local structures found in Asian countries would appear to be a good way of spreading word about the Convention in Cambodia if they existed there. Had Cambodia established a national training programme for skilled workers, such as legal experts and teachers, given its lack of qualified staff?

23. The CHAIRPERSON asked how the Cambodian Government set about disseminating the Convention and how it overcame the difficulties posed by its traditional attitude towards the principle that children were covered by the law.

24. She was sorry that the written replies did not indicate the legal age of sexual consent, since juvenile involvement in prostitution was a crucial problem in the region. Was article 434 of the Penal Code enough to guarantee children protection?

25. Ms. CHAN HARANVADDEY (Cambodia) said that CNCC had only recently been set up, just as the Convention on the Rights of the Child had only recently begun to be implemented. CNCC was striving to coordinate activities designed to protect children, monitor their application and review the legislation on the matter. It coordinated not only the activities of the various ministries but also those of the Government and NGOs. It was also responsible for coordinating national activities and the work of provincial- and local-level committees responsible for children's questions.

26. In spite of the inadequate human and physical resources available, CNCC had managed to set up a National Plan of Action for Children. Contacts between non-governmental organizations, governmental bodies and the media provided it with valuable sources of information. It oversaw governmental bodies and NGOs at the provincial level, and was thus able to put forward recommendations to the Government. It worked in close collaboration with NGOs, international institutions such as UNICEF, the private sector and civil society. It had conducted surveys in the provinces on topics such as child sexual exploitation.

27. Mr. IM SETHY (Cambodia) emphasized the coordinating role of CNCC, which brought together over 18 Ministers and Secretaries of State with responsibilities of relevance to the situation of children. Once it had considered the legislation in force, the Council could make recommendations to the Council of Ministers. Given the enormous problems Cambodia faced after a protracted period of armed conflict, the Government had to set about rebuilding in all sectors, beginning with legislation. Over 120 pieces of legislation had been passed since 1993

but there was still much to do to frame laws that would ensure the welfare of children and the population at large. CNCC thus played a vital role, and had, for example, recommended the passage of legislation against the traffic in and sexual exploitation of children.

28. CNCC worked closely with non-governmental organizations, which numbered at least 400, over 20 of them specializing in human rights and the rights of the child. At gatherings organized by CNCC, the non-governmental organizations had an opportunity to explain how their activities complemented the Government's efforts.

29. CNCC also served as a promotional body for, among other things, the Convention. It strove to awaken public opinion by staging lectures and activities devoted to children, such as celebrating the International Day of the Child on 1 June. As for the question of strengthening teaching, the most important thing was to ensure active involvement by parents and the community at the local level.

30. The idea of instituting a children's ombudsman was a very interesting one which would receive due attention, but other matters must take priority.

31. Ethnic Khmers represented 95 per cent of the Cambodian population but children belonging to the Muslim minority, the various ethnic minorities and the Vietnamese and Chinese communities were not discriminated against.

32. The demobilization of the four armed factions, including child soldiers, had begun early and as a matter of priority. It had continued at a rate of 10,000 demobilized soldiers per year. The problem was now virtually solved.

33. The size of the defence and security budget was due in part to the outlays incurred as the factions regrouped. Extensive resources were also devoted to demobilization activities which, besides reducing troop numbers, were also concerned with training and job-finding for former soldiers. The Government was, nonetheless, firmly resolved to increase the social-sector budget, beginning with health and education.

34. CNCC had argued for a national action committee to ensure that everyone could exercise their right to education. Increases in the education budget were planned for 2000 and 2001. Steps had been taken since 1993 to ensure that civil servants' - and especially teachers' - salaries were paid. Teachers, who made up more than half of all civil servants, also received teaching bonuses. As part of the reform of the administration, a computer-based survey of civil servants was currently in progress. Further raises in teachers' wages were planned.

35. Mr. NOUV PHEARITH (Cambodia) said that the marriageable age was set at 18 for women and 20 for men. Girls could get married earlier (if they became pregnant, for example) with their parents' consent. The minimum age for taking up employment was at present 16, but given the harsh economic situation and the extent of poverty there were plans to reduce it to 14 so that children could help their families.

36. The CHAIRPERSON observed that the delegation had not yet answered the questions about the results of the study comparing national legislation with the Convention, how traditional assemblies could help spread the word about the Convention, coordination among ministries, the legal age of sexual consent and traditional attitudes towards the Convention.

37. Ms. CHAN HARANVADDEY (Cambodia) said, on the subject of legislation, that CNCC had called for a special team including representatives of the private sector, non-governmental organizations, international organizations and governmental bodes to be set up to consider all the bills drafted by the technical ministries and ensure that they took the rights of the child into account. UNICEF had been contacted about financing the services of a legal adviser, but the requisite financial resources still had to be found.

38. In conjunction with UNICEF, CNCC had drawn up a schedule of activities to promote children's rights that was due to be considered centrally and in the villages. Word about the Convention was spread in part through television broadcasts, some of them on a private channel, on occasions such as the International Day of the Child. A drive had been launched to make people more aware of the Convention and the problems of child sexual exploitation and child labour.

39. Efforts were also being made to alert and educate civil servants at all levels, in part to encourage them to go beyond the purely technical aspects of implementing the Convention. Volunteer groups were helping children under a community capacity-building aid programme run by the Department of Rural Development with UNICEF backing.

40. There was no law setting a minimum age of sexual consent.

41. The CHAIRPERSON invited the Committee to put forward questions about general principles and civil rights and freedoms.

42. Mr. DOEK said he would like more details of alleged police brutality against children in the street and at certain police stations, and of the steps taken to counter it.

43. Mr. FULCI asked for additional information about the status of the hill tribes. It was alleged by some sources that three boys had been tortured at a rehabilitation centre: he wanted to know what was being done to make the police change their behaviour. He would also like to know when mine-clearing operations in Cambodian territory would come to an end.

44. Ms. TIGERSTEDT-TÄHTELÄ asked what was meant in Cambodia by nationality and citizenship. She wondered who apart from Khmers held Cambodian nationality, and where those of Vietnamese stock stood. The aim of combating discrimination was not just to ensure equal treatment for all but to give preferential treatment to disadvantaged groups. She would like to know what action was being taken to change attitudes and put an end to traditional practices that discriminated against young girls.

45. Ms. MOKHUANE said she did not think the questions in paragraph 6 of the list of issues had been properly answered. She wondered whether the Constitution and laws allowed non-Khmers who suffered discrimination to seek redress, and whether there were information

and consciousness-raising campaigns to ensure that HIV-positive individuals and AIDS patients were not left at a disadvantage. She asked whether the hill tribes had access to all social services.

46. She also wondered how the best interests of the child were taken into account in criminal and family-law matters, such as when questions of child custody were settled during divorce proceedings. And what was being done to prevent HIV-positive mothers from transmitting the virus to their children?

47. Ms. RILANTONO wondered whether there was a law that specifically enunciated children's right to express their opinions freely. The report said that in practice, children expressed their views in class by answering the questions their teachers asked them during meetings; was that the only time when they could do so? Could they also state their views within the family circle, or did Cambodian culture require them rather to defer to their elders? If their parents divorced, could children above a certain age indicate a preference for living with their fathers or their mothers?

48. Mr. DOEK asked when the provisions of the civil and penal codes requiring children to be declared at birth would be brought into effect, and what would be done in the mean time since a child must be registered if it was to be taken into account in any policy or covered by any measures for which age was a criterion.

49. Ms. TIGERSTEDT-TÄHTELÄ asked whether the family and resident books mentioned in the report served as a sort of child registration document. They were apparently issued for children born in hospital in Phnom Penh. Could that arrangement be extended to the rest of the country? Would it be possible to register births in very far-flung parts of the country, too? Did the country have enough human resources to do the job?

50. Ms. MOKHUANE said she would like to know how in practice the authorities and public officials determined a child's identity and age for the purposes of, for example, legal proceedings, juvenile justice or education. She also wondered how children's opinions were taken into account in the planning of services to benefit them, and in policy formulation.

The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.

51. Mr. IM SETHY (Cambodia) emphasized that the proportion of the State budget devoted to defence and security could not be cut abruptly, but that savings from the sector would be steered towards the social sector and would thus also benefit children.

52. Instances of police brutality were not the result of Government or police policy but individual acts. The authorities were making great efforts, with active NGO cooperation, to train police officers and members of the security services to recognize and respect human rights, laws and regulations.

53. Steps were being taken to improve the way juvenile delinquents were treated. Prisons in poor condition had been demolished and new ones built, in part with assistance from international organizations and a number of countries, Australia in particular. In Phnom Penh,

young detainees had been separated from adults. Some centres for juvenile delinquents served as vocational training centres, the objective being to make it easier for detainees to return to life in society. Detention conditions for juvenile delinquents remained less good in the provinces than in the capital.

54. The Constitution and Cambodian law prohibited racial discrimination of any kind. The Constitution did refer to the "Khmer people", but the expression actually meant all the ethnic groups living in Cambodia, among them a number of indigenous minorities who lived, for the most part, in the north-east. Members of those minorities were fully-fledged citizens. They had registered for and voted in the last two elections. They received aid from non-governmental organizations and the Cambodian Government. There were associations working to revive their cultures. People of Vietnamese stock had long lived in the country, and were Cambodian citizens like anyone else. Unfortunately some fanatics and extremists, and also certain political parties, were in favour of discrimination.

55. Well-trained mine-clearing teams had already accomplished a great deal with assistance from foreign experts and support from many countries. The latest techniques were being used in far-flung spots to identify mined areas, and warning signs were being put up to mark danger zones.

56. There were disparities between men and women in Cambodia, but there was no discrimination. That would be contrary to the principles of tolerance inherent in Buddhism which was widely practised throughout the country. The problems were a matter of attitudes. Parents, for example, could see no reason for their daughters to attend school or continue their studies because they would be getting married. The situation was, however, changing and efforts were being made to make communities and parents aware of the need to treat girls on an equal footing with boys.

57. Cambodia had set up an authority to combat AIDS, which worked in conjunction with the ministries involved. Steps had been taken to spread information about the disease as part of the school curriculum, and to train teachers. Prevention was crucial. The Ministry of Health was cooperating with international organizations in bringing assistance to pregnant HIV-positive women and, later, their children.

58. Children did not become fully-fledged citizens until the age of 18. Cambodia did not yet have a forum for children, but there were meetings at which children were invited to address the gathering. According to tradition, children were really supposed to listen to adults but the situation was changing and most Cambodians were aware that they needed to listen to children as well.

59. There were as yet no proper laws on the registration of births; the practice followed came from Ministry of the Interior circulars about family books. Birth certificates were now issued for most new-borns. While the Khmers Rouges were in power most civil registry papers had been burnt. The system currently followed nation-wide was to draw up files covering groups of houses, giving the names of the heads of household, their wives, their children and other people

living with them. Civil registration laws would clearly have to be passed. If someone's civil registration papers had been destroyed, his or her age was established on the strength of a statement by the individual concerned. To change the age shown, the matter had to be taken before the courts.

60. The authorities were aware of the value of after-school activities as a means of fostering children's development. Youth, sports and cultural centres had been set up, but faced many problems due to insufficient resources. At all events, enrolling children in school remained the priority, because Cambodia did not hide the fact that almost 400,000 school-age children were not attending school.

The meeting rose at 1 p.m.